

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 CHRISTOPHER R. KELLER,

Case No. 3:23-cv-00435-ART-CLB

4 Plaintiff,

ORDER

5 v.

6 CALVIN JOHNSON, et al.,

7 Defendants.

8 Plaintiff Christopher Keller (“Plaintiff”) files a motion seeking a preliminary
9 injunction. (ECF No. 7.) In his motion, Plaintiff states he is exposed to mold, and
10 prison officials continue to retaliate against him for being openly religious and
11 for seeking a cell transfer. (*Id.* at 1–3.)

12 Injunctive relief, whether temporary or permanent, is an “extraordinary
13 remedy, never awarded as of right.” *Winter v. Natural Res. Defense Council*, 555
14 U.S. 7, 24 (2008). “A plaintiff seeking a preliminary injunction must establish
15 that he is likely to succeed on the merits, that he is likely to suffer irreparable
16 harm in the absence of preliminary relief, that the balance of equities tips in his
17 favor, and that an injunction is in the public interest.” *Am. Trucking Ass’ns, Inc.*
18 *v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*, 555
19 U.S. at 20). Furthermore, under the Prison Litigation Reform Act (“PLRA”),
20 preliminary injunctive relief must be “narrowly drawn,” must “extend no further
21 than necessary to correct the harm,” and must be “the least intrusive means
22 necessary to correct the harm.” 18 U.S.C. § 3626(a)(2).

23 The Court denies Plaintiff’s motion for a preliminary injunction without
24 prejudice. The grounds Plaintiff uses in his motion to seek relief do not relate to
25 the claims that he raised in the Complaint and the claims the Court allowed to
26 proceed on screening. (ECF No. 5 at 9–10; ECF No. 6 at 7–11.) The Court allowed
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1 Plaintiff's claims relating to his personal injuries and a lack of access to outdoor
2 exercise to proceed on screening. (ECF No. 5 at 9–10.) There were no claims in
3 the Complaint relating to mold or religious persecution. “A court's equitable
4 power lies only over the merits of the case or controversy before it. When a
5 plaintiff seeks injunctive relief based on claims not pled in the complaint, the
6 court does not have the authority to issue an injunction.” *Pac. Radiation*
7 *Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015). Therefore,
8 because Plaintiff seeks injunctive relief based on claims not pled in the
9 Complaint, the Court denies his motion (ECF No. 7) without prejudice.

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11 DATED THIS 18th day of April 2024.

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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